# BORA LASKIN LAW LIBRARY 3 1761 03327 9548

### CHILDREN AND THE LAW

1996

Volume II

R. Bessner

BORN LASTIN LAW NOTARY

10/15/1995

FACULTY OF LAW UNITED BY OF TORONTO

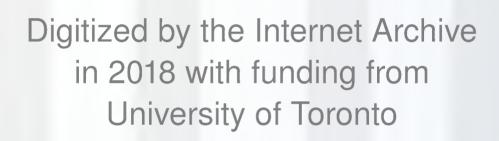
## BORA LASKIN LAW LIBRARY UNIVERSITY OF TORONTO

#### CHILDREN AND THE LAW

1996

Volume II

R. Bessner



#### CHILDREN AND THE LAW

#### **Table of Contents**

Vol	ume	I
- V (/)		- 11

1.	Children's Rights
2.	Child Witnesses  a) Psychological Studies on the Reliability of Children's Testimony 150 b) Competency Rules for Children 183 c) Corroboration Requirement for Children's Testimony 271 d) Applicability of the Hearsay Rule to the Statements of Children 289 e) Accommodation of The Child Witness 347
3.	The Legal Representation of Children
4. Volu	Child Abuse  a) The Duty to Report
5.	State Intervention in Pregnancies
6.	Child Pornography
7.	Medical Treatment of Children
8.	Non-therapeutic Treatment of Children
9.	Education
10.	Young Offenders
11.	United Nations

#### CHILDREN AND THE LAW

#### Volume II

5.	Su	ate intervention in Fregnancies	
	a)	Re Children's Aid Society for the District of Kenora and J.L. (1981), 134 D.L.R. (3d) 249 (Prov. Ct., Fam. Div.)	
	b)	Re Children's Aid Society of Belleville (1987), 59 O.R. (2d) 204 (Prov. Ct., Fam. Div.)	4
	c)	Re Baby R. (1988), 15 R.F.L. (3d) 225 (B.C.S.C.)	10
	d)	Joe v. Director of Family and Children's Services and Minister of Justice, Govt. of Yukon Territory (1986), 5 B.C.L.R. (2d) 267 (Yuk. Terr. Sup. Ct.)	18
	e)	<u>Re A.</u> (in utero) (1990), 75 O.R. (2d) 82 (U.F.C., Jud. Dist. Ham-Went.)	22
	f)	The Minister of Health & Community Services v. A.D. (1990), 109 N.B.R. (2d) 192 (N.B.Q.B., Fam. Div.)	28
	g)	I. Grant, "Forced Obstetrical Intervention: A Charter Analysis", (1989) 39 Univ. of Tor. Law J. 217	38
	h)	K. Moss, "Substance Abuse During Pregnancy", (1990) 13 Harvard Women's Law J. 278	59
	i)	G. Annas, "Forced Cesareans: The Most Unkindest Cut of All", (1982) The Hastings Center Report 16	70
	j)	P. King, "Should Mom Be Constrained in the Best Interests of the Fetus?" (1989) 13 Nova L. Rev. 393	
	k)	"Judicial Intervention in Pregnancy and Birth" in Royal Commission on New Reproductive Technologies (1993) (Ottawa: Minister of Government Services Canada) pp.949-965	80
6.	Ch	aild Pornography	
	a)	Report of the Special Committee on Pornography and Prostitution (The Fraser Report) (1985) (Vol. 2) (Ottawa: Ministry of Supply and Services) pp. 561-572,	90

b)	<u>R.</u> v. <u>Butler</u> (1992), 70 C.C.C. (3d) 129 (S.C.C.)	111		
c)	<u>New York</u> v. <u>Ferber</u> , 102 S. Ct. 3348 (1982)			
d)	Osborne v. Ohio, 110 S. Ct. 1691 (1990)	157		
e)	N. Bala, "Pornography and Prostitution: Does Canada Comply with T Convention?" in On The Right Side: Canada and The Convention on the Rights the Child (1990) at p. 22	of		
f)	<u>Criminal Code</u> , R.S.C. 1993, c.46, s.163.1	188		
g)	The Institute for the Prevention of Child Abuse, Connection, Spring 1993, Vol. 1, "MP's Pass Tough Law on Child Pornography"			
h)	S. Fine, "Ottawa Proposes to Outlaw Child Smut", The Toronto Globe and Ma May 14, 1993			
	"Legislative déja vu", The Globe and Mail, Editorial, May 17, 1993			
	K. Taylor, "Child-porn Law Used for First Time", <u>The Globe and Mail</u> , December 22, 1993			
	Background - "Obscenity - New legislation hastily drafted", <u>The Globe and M</u> December 22, 1993	<u>[ail</u> ,		
	Editorial, "Art, or Pornography?", The Globe and Mail, Dec. 23, 1993			
	M. Gooderham, "Gallery director charged under child-porn law", <u>The Globe as Mail</u> , December 24, 1993	<u>.nd</u>		
	S. Fine, "Hearing first test of porn law's treatment of art", The Globe and Ma October 3, 1994	<u>ail,</u>		
	A. Nasrulla, "Just 30 seconds to decide picture obscene, court told", <u>The Globe at Mail</u> , October 4, 1994	<u>nd</u>		
	Re The Queen and Langer, Ontario Court, General Division (1995)	leserve		
i)	R. v. Jewell; R. v. Gramlick, Ontario Court of Appeal (1995)	leserve		

7.	Me	edical Treatment of Children
	a)	E. Keyserlingk, "Non-Treatment in the Best Interests of the Child: A Case Commentary of Couture-Jacquet v. Montreal Children's Hospital", (1986-87) 32 McGill L.J. 413
	b)	L. Rozovsky and F. Rozovsky, <u>The Canadian Law of Consent to Treatment</u> (Toronto: Butterworths) (1990) at 53
	c)	B. Landau, "The Rights of Minors to Consent to Treatment and Residential Care" in Children's Rights in the Practice of Family Law, (Toronto: Carswell) (1986) at 93
	d)	Re L.D.K.: Children's Aid Society of Metropolitan Toronto v. K. and K. (1985), 48 R.F.L. (2d) 164 (Prov. Ct., Fam. Div.)
	e)	M. (R.E.D.) v. <u>Director of Child Welfare</u> (1986), 4 R.F.L. (3d) 363 (Alta. Q.B.)
	f)	Re Children's Aid Society of Metropolitan Toronto and F. (1988), 66 O.R. (2d) 528 (Prov. Ct., Fam. Div.)
	g)	Richard B. and Beena B. v. Children's Aid Society of Metropolitan Toronto and The Attorney General of Ontario, Supreme Court of Canada (1995) Reserve
8.	No	on-Therapeutic Treatment of Children
	a)	P. Ramsey, "Children in Medical Investigation" in <u>The Patient a Person</u> , (Yale Univ. Press) (1970) at 11
	b)	R. McCormick, "Proxy Consent in the Experimentation Situation", (1974) 18 Perspectives in Biology and Medicine 2
	c)	F. Baylis and J. Downie, "An Ethical and Criminal Law Framework for Research involving Children in Canada" (1993), Health Law J. 3a Reserve
	d)	J. Korins, " <u>Curran</u> v. <u>Bosze</u> : Toward a Clear Standard for Authorizing Kidney and Bone Marrow Transplants between Minor Siblings", (1992) 16 Vermont Law Rev. 499
	e)	R. Dufault, "Bone Marrow Donations by Children: Rethinking the Legal

Framework in Light of Curran v. Bosze", (1991) 24 Conn. Law Rev. 211 ... 300

9.	Ed	Education		
	a)	G. Dickinson and A.W. MacKay, <u>Rights, Freedoms and the Education System in Canada</u> , Selected cases and comments, (Toronto: Emond Montgomery) (1989) 33		
	b)	R. v. Halcrow (1993), 80 C.C.C. (3d) 320 (B.C.C.A.)		
	c)	Vivian Smith on Corporal Punishment, <u>The Toronto Globe and Mail</u> , November 5, 1992		
	d)	A. Genereux, "Corporal Punishment: Is It Violence Against Children?" in On The Right Side: Canada and The Convention on the Rights of the Child, (1990) at 29		
10.	Yo	oung Offenders		
		The Young Offenders Act, R.S.C. 1985, c. Y-1 1995 Amendments to the Young Offenders Act Reserv		
	a)	N. Bala and MA. Kirvin, "The Statute: Its Principles and Provisions and Their Interpretation by the Courts" in <u>The Young Offenders Act: A Revolution in Canadian Juvenile Justice</u> , A. Leschied, P. Jaffe, and W. Willis (eds.), (Univ. of Toronto Press) (1991) at p.71		
	b)	A. Leschied and S. Wilson, "Criminal Liability of Children Under Twelve: A Problem for Child Welfare, Juvenile Justice or Both?", (1988) 30 Can. J. Crim. 17		
	c)	L. Wilson, "Changes to Federal Jurisdiction Over Young Offenders: The Provincial Response", (1990) 8 Can. J. of Fam. Law 303		
	d)	N. Bala, "The Impact of The Convention on Young Offenders: A Brief Examination" in On the Right Side: Canada and The Convention on the Rights of the Child, (1990) at 27		

	e)	W.E. Schmidt, "Two Youths accused of child's killing", The New York Times, February 21, 1993
		André Picard, "Handling murder with kid gloves", <u>The Toronto Globe and Mail</u> , April 13, 1993
		S. Contenta, "Harsher laws not answer Rock says", <u>The Toronto Star</u> , September 30, 1994
11.	Un	ited Nations
	a)	U.N. Convention on the Rights of the Child
	b)	M. Jupp, "Justice, Not Charity: The United Nations Convention on the Rights of the Child" in On The Right Side: Canada and The Convention on The Rights of the Child, (1990) at p.8
	c)	N. Bala, "The Impact of The Convention on Canadian Law" in On The Right Side: Canada and The Convention on The Rights of the Child, (1990) at p.20 455
	d)	Sean Fine, "Narrow Approach to Children's Rights Feared", The Toronto Globe and Mail, October 8, 1990

ŧ,

#### VOLUME II

#### 5. State Intervention in Pregnancies

a)	Re Children's Aid Society for the District of Kenora and J.L. (1981), 134 D.L.R. (3d) 249 (Prov. Ct., Fam. Div.)	. 1
b)	Re Children's Aid Society of Belleville (1987), 59 O.R. (2d) 204 (Prov. Ct., Fam. Div.)	. 5
c)	Re Baby R. (1988), 15 R.F.L. (3d) 225 (B.C.S.C.)	10
d)	Joe v. Director of Family and Children's Services and Minister of Justice, Govt. of Yukon Territory (1986), 5 B.C.L.R. (2d) 267 (Yuk. Terr. Sup. Ct.)	18
e)	<u>Re A.</u> (in utero) (1990), 75 O.R. (2d) 82 (U.F.C., Jud. Dist. Ham-Went.)	22
f)	The Minister of Health & Community Services v. A.D. (1990), 109 N.B.R. (2d) 192 (N.B.Q.B., Fam. Div.)	28
g)	I. Grant, "Forced Obstetrical Intervention: A Charter Analysis", (1989) 39 Univ. of Tor. Law J. 217	38
h)	K. Moss, "Substance Abuse During Pregnancy", (1990) 13 Harvard Women's Law J. 278	59
i)	G. Annas, "Forced Cesareans: The Most Unkindest Cut of All", (1982) The Hastings Center Report 16	70
j)	P. King, "Should Mom Be Constrained in the Best Interests of the Fetus?" (1989) 13 Nova L. Rev. 393	73
k)	"Judicial Intervention in Pregnancy and Birth" in Royal  Commission on New Reproductive Technologies (1993) (Ottawa:  Minister of Government Services Canada) pp.949-965	80

